

176893

WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

1022 CALHOUN STREET (SUITE 302)

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

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K. CHAD BURGESS
NOAH M. HICKS II**
M. McMULLEN TAYLOR

AREA CODE 803
TELEPHONE 252-3300
TELECOPIER 256-8062

November 30, 2005

*ALSO ADMITTED IN TX
**ALSO ADMITTED IN VA

VIA HAND DELIVERY

The Honorable Charles L.A. Terreni
Chief Clerk/Administrator
Public Service Commission of South Carolina
Synergy Business Park
101 Executive Center Drive
Columbia, South Carolina 29210-8411

RECEIVED
2005 NOV 30 PM 2:38
SC PUBLIC SERVICE
COMMISSION

RE: Application of Utilities Services of South Carolina, Inc. for approval of an interconnection with the City of Rock Hill for bulk water service to the Barney Rhett Subdivision and Hickory Hills Subdivision in York County

Dear Mr. Terreni:

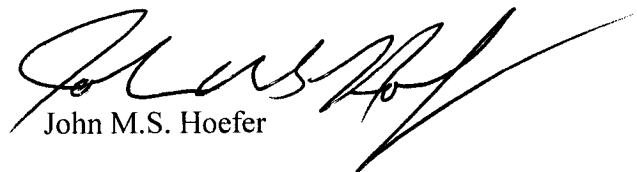
Enclosed for filing are the original and ten (10) copies of the Application of Utilities Services of South Carolina, Inc., in the above-referenced matter. I would appreciate your acknowledging receipt of this document by date-stamping the extra copy of this letter that is enclosed and returning it to me via our courier.

By copy of this letter to its General Counsel, I am making the Office of Regulatory Staff aware of this filing.

If you have any questions or need additional information, please do not hesitate to contact me. With best regards, I am,

Sincerely,

WILLOUGHBY & HOEFER, P.A.


John M.S. Hoefer

JMSH/twb

Enclosure

cc: Mr. Steven M. Lubertoizzi
Mr. Bruce Haas
Florence P. Belser, Esquire

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2005-375 w/s

RECEIVED
2005 NOV 30 PM 2:38
SC PUBLIC SERVICE
COMMISSION

IN RE:)
)
Application of Utilities Services of South)
Carolina, Inc. for approval of an)
interconnection with the City of Rock)
Hill for bulk water service to Barney Rhett)
and Hickory Hills Subdivision in York)
County.)
_____)

APPLICATION

Utilities Services of South Carolina, Inc. ("Applicant" or "Utility"), pursuant to Vol. 26 S.C. Code Ann. Regs. R.103-541 (Supp. 2004), hereby applies for approval of an interconnection of its water systems serving the Barney Rhett and Hickory Hills subdivisions with bulk water facilities of the City of Rock Hill ("City"). In support of this Application, Applicant would respectfully show as follows:

1. Applicant is a public utility currently authorized to operate water and wastewater systems under the jurisdiction of the Commission in York County, as well as certain other counties in this state. Its corporate charter is presently on file with the Commission and an appropriate bond has been posted with same. A schedule of rates and charges for Applicant's service has previously been approved by the Commission in its Order No. 95-1330, dated July 12, 1995 in Docket No. 93-636-WS.¹

¹As the Commission is aware, Applicant has filed an application for adjustment of rates and charges and modifications to certain terms and conditions for the provisions of water and sewer service, which is pending before the Commission in Docket No. 2005-217-WS.

2. Applicant acquired the water systems subject of the within Application in October of 2002 pursuant to approval of the Commission in its July 30, 2002 Order No. 2002-533 in Docket No. 2002-124-W/S. As is reflected in Order No. 2002-533, the prior operators of these systems were in financial difficulty and the sale of their systems was necessary in order for the South Carolina Department of Health and Environmental Control (“DHEC”) to be able to recover delinquent environmental fees due from such prior operators. *Id.* at 10-12.

3. Applicant has entered into a consent order with DHEC to interconnect the water systems serving the Barney Rhett and Hickory Hills subdivisions with bulk water facilities of the City of Rock Hill. A copy of this consent order is attached as Exhibit “A.” As contemplated by said consent order, Applicant has obtained documentation from the City of Rock Hill indicating its willingness to provide bulk water service to the affected subdivisions. A copy of such documentation is attached hereto as Exhibit “B.”

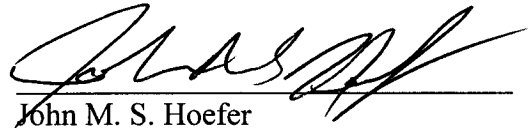
4. Applicant will provide service to the affected subdivisions pursuant to all of the terms, conditions, rates and charges set forth in its rate schedule as may be on file with this Commission and in effect from time to time.

5. Applicant submits that the public convenience and necessity will be served by the approval of this Agreement. Applicant further submits that no hearing in this matter is required. See S.C. Code Ann. § 58-5-240(G) (Supp.2004).

6. All correspondence and communications regarding this matter should be sent to the undersigned.

WHEREFORE, having fully set forth its Application, Applicant prays (a) that the interconnection be approved; (b) that hearing on the within matter be waived or review of the within

application be expedited, and (c) that Applicant be granted such other and further relief as the Commission may deem just and proper.



John M. S. Hoefer

WILLOUGHBY & HOEFER, P.A.

1022 Calhoun Street, Suite 302

Post Office Box 8416

Columbia, South Carolina 29202-8416

803-252-3300

jhoefer@willoughbyhoefer.com

Attorneys for Applicant

Columbia, South Carolina
This 30th day of November, 2005

BOARD:
Elizabeth M. Hagood
Chairman
Edwin H. Cooper, III
Vice Chairman
L. Michael Blackmon
Secretary



C. Earl Hunter, Commissioner
Promoting and protecting the health of the public and the environment

Exhibit "A"

RECEIVED

OCT 24 2005

CAROLINA WATER SERVICE

BOARD:
Carl L. Brazzell
Steven G. Kisner
Paul C. Aughtry, III
Coleman F. Buckhouse, MD

October 20, 2005

CERTIFIED MAIL 7005 0390 0001 4014 0998
RETURN RECEIPT REQUESTED

Utilities Services of South Carolina, Inc.
Attn: Mr. Bruce Haas
PO Box 4509
West Columbia, SC 29171

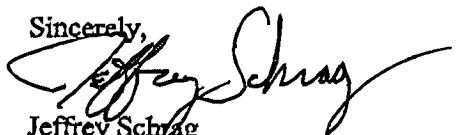
RE: Consent Order # 05-149-DW
Barney Rhett Subdivision (#4650018)
Hickory Hills Subdivision (#4650025)
York County

Dear Mr. Haas:

Please find enclosed a copy of the fully executed South Carolina Department of Health and Environmental Control Consent Order # 05-149-DW. The execution date of this Order is October 18, 2005.

If you have any questions concerning the Order, please contact me at (803) 898-4255 or email at schragjm@dhec.sc.gov.

Sincerely,



Jeffrey Schrag
Drinking Water Enforcement Section
Bureau of Water

enclosure

cc: Richard Welch, Drinking Water & Recreational Waters Compliance
Hollon Stillwell, Region 3 Lancaster EQC District

**THE STATE OF SOUTH CAROLINA BEFORE THE DEPARTMENT OF HEALTH
AND ENVIRONMENTAL CONTROL**

**IN RE: UTILITIES SERVICES OF SOUTH CAROLINA, INC.
BARNEY RHETT SUBDIVISION
PUBLIC WATER SYSTEM (4650018)
YORK COUNTY**

**CONSENT ORDER
05-149-DW**

Utilities Services of South Carolina, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of the public water system (PWS) that serves the residents of Barney Rhett Subdivision, located in York County, South Carolina.

A review of the Respondent's file by South Carolina Department of Health and Environmental Control (Department) staff revealed that the Respondent failed to properly operate and maintain the Barney Rhett Subdivision PWS.

IN THE INTEREST OF RESOLVING THIS MATTER without delay and expense of litigation, the Respondent agrees to the entry of this Consent Order, but neither agrees nor disagrees with the Findings of Fact and Conclusions of Law; and therefore, agrees that this Order shall be deemed an admission of fact and law only as necessary for enforcement of this Order by the Department or subsequent actions relating to the Respondent by the Department.

FINDINGS OF FACT

1. Utilities Services of South Carolina, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of the public water system (PWS) that serves the residents of Barney Rhett Subdivision, located in York County, South Carolina.

2. The Barney Rhett Subdivision PWS consists of a single groundwater well, a water distribution system, and forty-four (44) taps which serve a population of one hundred thirteen (113).
3. On October 1, 2002, the Respondent legally assumed ownership and responsibility for the Barney Rhett Subdivision PWS.
4. On September 14, 2004, the Department conducted a sanitary survey of the Barney Rhett Subdivision PWS, which resulted in an overall "Unsatisfactory" rating. The following areas were rated as "Unsatisfactory":
 - A. Protection from Contamination: the pad around the well is cracked and must be replaced;
 - B. Storage Maintenance: the water storage tank is in poor condition and must be evaluated and up-graded.
5. On April 25, 2005, the Department conducted a sanitary survey of the Barney Rhett Subdivision PWS, which resulted in an overall "Unsatisfactory" rating. The following areas were rated as "Unsatisfactory":
 - A. Protection from Contamination: the pad around the well is cracked and must be replaced, and there is a hole in the side of the casing, which must be repaired;
 - B. Storage Maintenance: the water storage tank is in poor condition and must be evaluated and up-graded.
6. On June 16, 2005, Department staff held an enforcement conference with Bruce Haas, the regional director for Utilities Services of South Carolina, Inc., to discuss the violations. Bruce Haas stated that he is in the process of obtaining a contract with the City of Rock Hill for the purchase of bulk water service for both the Barney Rhett Subdivision and the

Hickory Hills Subdivision. The Hickory Hills Subdivision PWS (4650025) is currently interconnected to the City of Rock Hill via an emergency connection. The possibility of a Consent Order was discussed.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Department, pursuant to the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 120 (2002), reaches the following Conclusions of Law:

1. The Respondent violated the State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.7(B) (Supp. 2004), in that it failed to properly operate and maintain the Barney Rhett Subdivision PWS.
2. The State Safe Drinking Water Act, S.C. Code Ann. § 44-55-90(B) (2002), provides for a civil penalty not to exceed five thousand dollars (\$5,000.00) a day per violation for any person violating the Act.

NOW, THEREFORE, IT IS ORDERED, CONSENTED TO AND AGREED, pursuant to the State Safe Drinking Water Act, S.C. Code Ann. §§ 44-55-10 to 120 (2002), that the Respondent shall:

1. Henceforth, operate and maintain the Barney Rhett PWS in accordance with applicable state and federal laws and regulations.
2. By October 1, 2005, obtain from the City of Rock Hill, documentation of its willingness to provide bulk water service for both the Barney Rhett Subdivision and Hickory Hills Subdivision; and by October 15, 2005 submit an application to the Public Service Commission (PSC) for approval of interconnections of the PWSs serving these subdivisions with the PWS of the City of Rock Hill.

3. Within thirty (30) days of the PSC's final approval of the interconnections for bulk water service, submit to the Department for review and approval a submittal package for (a) the connection of the Barney Rhett Subdivision PWS to the City of Rock Hill PWS and (b), if necessary, for the permanent connection of the Hickory Hills Subdivision PWS to the City of Rock Hill PWS. The submittal packages shall include in detail, the plans, basis for design (including calculations) and specifications per State Primary Drinking Water Regulations, 24A S.C. Code Ann. Regs. 61-58.1 (Supp. 2004). The submittal packages shall also include a completed application for a permit to construct.
4. Within thirty (30) days of the issuance of the permits to construct, complete the connections of both the Barney Rhett Subdivision PWS and Hickory Hills Subdivision PWS to the City of Rock Hill PWS, and schedule an inspection with the Department's Region 3 Lancaster Environmental Quality Control District office at (803) 285-7461 to obtain final approval to operate from the Department.
5. Within ninety (90) days of the completion of the connections to the City of Rock Hill PWS, have a South Carolina certified well driller properly abandon the existing wells at the Barney Rhett Subdivision PWS and Hickory Hills Subdivision PWS; submit well close-out logs (Form 1903) to the Department; and, contact the Department's Region 3 Lancaster Environmental Quality Control District office at (803) 285-7461 to verify proper abandonment.

THE PARTIES FURTHER STIPULATE that the Respondent shall pay a civil penalty of two thousand five hundred fifty dollars (\$2,550.00) should it fail to comply with any requirement pursuant to this Consent Order, including any implementation schedule approved by the Department. Such penalties shall be due and payable upon written notice to the Respondent.

The Department's determination that a requirement has been missed shall be final. All penalties due under this paragraph shall be made payable to the South Carolina Department of Health and Environmental Control within thirty (30) days of notification by the Department. The stipulated penalties set forth above shall be in addition to any other remedies or sanctions which may be available to the Department by reason of the Respondent's failure to comply with the requirements of this Order. The Department's determination that the requirements have not been met shall be final.

PURSUANT TO THIS ORDER, communications regarding this Order and its requirements are to include the Order number and shall be addressed as follows:

Jeff Schrag
Bureau of Water-Enforcement Division
S.C. Department of Health and Environmental Control
2600 Bull Street
Columbia, S.C. 29201

IT IS FURTHER ORDERED AND AGREED that this Consent Order governs only Utilities Services of South Carolina, Inc.'s liability to the Department for civil sanctions arising from the matters set forth herein and constitutes the entire agreement between the Department and Utilities Services of South Carolina, Inc. with respect to the resolution and settlement of the matters set forth herein. The parties are not relying upon any representations, promises, understandings, or agreements except as expressly set forth within this Order.

IT IS FURTHER ORDERED AND AGREED that failure to comply with any provision of this Order shall be grounds for further enforcement action pursuant to the State Safe Drinking Water Act, S.C. Code Ann. § 44-55-80(A) (2002), to include the assessment of additional civil penalties.

[Signature Page Follows]


FOR THE SOUTH CAROLINA DEPARTMENT
OF HEALTH AND ENVIRONMENTAL CONTROL


Robert W. King, Jr., P.E.
Deputy Commissioner
Environmental Quality Control

Date: 10/18/05


Alton C. Boozer
Chief, Bureau of Water

Date: 10/04/05

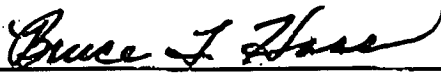

Douglas B. Kinard, P.E., Director
Water Enforcement Division
Bureau of Water

Date: 10-4-05


DHEC Legal Counsel

Date: October 7, 2005

I/WE CONSENT:


Bruce Haas, Regional Director
Utilities Services of South Carolina, Inc.

Date: 10/4/05



RESIDENTIAL REQUEST FOR WATER & SEWER FEE ESTIMATE

Address: 4591 Mt. Callant Rd Date: 9/30/05
Bull Run, Hickory Hills, Seaboard, NC System ID: 4650025
 Inside City: yes Outside City: yes
 Plat or map attached: yes no
 Requesting Estimate: water sewer both
 Existing Well: yes no
 Individual Requesting Fees: MACY
 property owner contractor other
 (specify)

(Office Use Only)

NEW RATES EFFECTIVE JULY 1, 2003

Water Tap Fee, 3/4 inch service*: (\$880) \$2420 *

Water Impact Fee, 3/4 inch service: (\$478) \$2548

Water Front Footage: (\$0 inside City;
\$2 per foot outside, up to 250 feet; \$500 max) \$

Sewer Tap Fee, 4 inch service: (\$1,100) \$ _____

Sewer Impact Fee, 4 inch service: (\$850) \$

Sewer Front Footage: (\$12 per foot inside & outside city, unless annexed prior to 1982 or contractor installed as pre-paid;
\$3,000 max)** \$ **

Grand Total \$4968.⁰⁰

3% discount for cash on front footage only
Financing for front footage is also available

Date: 9/30/05 Staff Initials: JS

* No tap fee if changing from well to city water.

**** If annexed prior to 1982 front footage is not charged. (Pre-paid status can only be determined in the field by the Utility's Department. If the tap is located, tap and front footage fees may be waived.)**



RESIDENTIAL REQUEST FOR WATER & SEWER FEE ESTIMATE

Address: 953 Tipton Lakes Date: 9/30/05
Bulk service for Barney Rhett - System ID 4650018
Inside City: yes Outside City: ☒ yes

Plat or map attached: yes no
Requesting Estimate: water sewer both

Existing Well: yes no

Individual Requesting Fees: Mac Mitchell
 property owner ☒ contractor other (specify)

(Office Use Only)

NEW RATES EFFECTIVE JULY 1, 2003

Water Tap Fee, ²3/4 inch service*: (\$880) \$ 2420 *

Water Impact Fee, 3/4 inch service: (\$478) \$ 2548

Water Front Footage: (\$0 inside City;
\$2 per foot outside, up to 250 feet; \$500 max) \$

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Sewer Front Footage: (\$12 per foot inside & outside city, unless annexed
prior to 1982 or contractor installed as pre-paid**;
\$3,000 max) \$ **

Grand Total \$ 4968.00

3% discount for cash on front footage only
Financing for front footage is also available

Date: 9/30/05 Staff Initials: RJ

* No tap fee if changing from well to city water.

** If annexed prior to 1982 front footage is not charged. (Pre-paid status can only be determined in the field by the Utility's Department. If the tap is located, tap and front footage fees may be waived.)

June 2003

Aspen Scott Turner

C:\WINNT\Profiles\Administrator\Person\ESTIMATE July 1 2003.wpd

CITY OF ROCK HILL - PLANNING & DEVELOPMENT DEPT.

36097

P.O. BOX 11706
ROCK HILL, SOUTH CAROLINA 29731-1706
PHONE 329-5590

DATE 9-30 20 05

RECEIVED FROM

Utilities Incorporated\$9936.00Nine thousand nine hundred thirty six and 00/100 DOLLARS

FOR

953 Twin Lakes / 4591 N. H. Gallant Rd

AMOUNT OF ACCOUNT	<u>9936.00</u>
THIS PAYMENT	<u>9936.00</u>
BALANCE DUE	

☐ CASH☒ CHECK☐ M.O.

Thank You

5383.80

BY

Mary Ann

TO
THE
ORDER
OF
City of Rock Hill
P.O. Box 11706
Rock Hill, SC 29731

VL6849

538380 1044154431 989034290

VL6849

CHECK NO.

538380

COMPANY NAME	REFERENCE NUMBER	INVOICE DATE	INVOICE NUMBER	NET AMOUNT
		9/28/05	1359IMPACTEE 1356IMPACTEE	\$4,968.00 \$4,968.00
TOTAL				\$9,936.00